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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,494	02/28/2002	Carol L. Colrain	50277-1959	3035
29989	7590	12/22/2004	EXAMINER	
HICKMAN PALERMO TRUONG & BECKER, LLP 1600 WILLOW STREET SAN JOSE, CA 95125			ROBINSON, GRETA LEE	
			ART UNIT	PAPER NUMBER
			2167	
DATE MAILED: 12/22/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/087,494	COLRAIN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Greta L. Robinson	2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 28 February 2002.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-26 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-26 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 28 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date 2/28/02 & 10/22/04.

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

1. Claims 1-26 are pending in the present application.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the *holding child process* and *waiting child process* [note independent claims 1 and 7], and the *waiting subroutine* [note independent claims 14 and 20] must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. The disclosure is objected to because of the following informalities: Applicant is requested to update cross-reference to related applications on page 7 line 18, page 8 line 2, and page 8 line 21.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1-12 and 14-25 the following limitation is vague: "forked" [note the independent claims]. The meaning of term forked is not is not clear. Applicant discusses this concept in the summary of the invention on page 5 lines 9-16; but a specific definition does not appear to be disclosed.

Regarding claims 1, 7, 14 and 20 the following phrase is vague and unclear: "blocking on the exclusive lock" [note claim 1 lines 9-10]. The phrase is not clear. Does

Applicant mean “blocking the exclusive lock”? Dependent claims 2-6, 8-12, 15-19 and 21-25 are rejected based on dependency.

Regarding claim 13, the following limitation is vague: “according to claim 7” [note claim 13 line 2] and “holding code” [claim 13 line 1]. Applicant is asked to write out the specific limitation that should be incorporated into claim 13 for proper understanding of the limitations.

Regarding claim 26, the following limitation is vague: “according to claim 20” [note claim 26 line 2] and “holding code” [claim 26 line 1]. Applicant is asked to write out the specific limitation that should be incorporated into claim 26 for clarity.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2 and 6-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukuda et al. US Patent 5,890,153.

Regarding claim 1, Fukuda et al. teaches a system and method for detecting termination of an application instance using locks [note: application program 103a and lock control section 109 figure 1; column 4 lines 1-35]. Fukuda et al. teaches a holding child process forked from a parent process [note: “a user interface for defining a

parent/child relationship" abstract; column 5 lines 36-64]; and a waiting child process forked from the parent process subsequent to the holding child process, the waiting child process comprising a connection to the monitored application instance [note: column 6 lines 55-62; column 5 lines 31-47; column 7 lines 33-65]. Fukuda et al. provides for an exclusive locking process and the return of a signal [note: figure 5 step 503; column 1 lines 20-67; column 7 lines 20-54].

8. Regarding claims 2, further comprising: the parent process processing a standard error [note: column 9 lines 27-29; figure 11 note step 1102 set error information].

9. Regarding claim 6, wherein the application instance comprises a database server instance [note: column 3 lines 35-48; Figure 1; also note object entity 202a figure 2].

10. The limitations of claims 7, 8, 12 and 13 parallel claims 1, 2 and 6; therefore they are rejected under the same rationale.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chan et al. US Patent 6,108,654

Daynes US Patent 6,772,255 B2

Fish et al. US patent 5,828,876

Waddington et al. US Patent 5,872,981

Meredith et al. US patent 6,625,602 B1

Fish et al. US Patent 5,727,206

Pike et al. US Patent 5,623,666

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (571) 272-4118. The examiner can normally be reached on Mon.-Fri. 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Greta Robinson  
Primary Examiner  
December 8, 2004



GRETA ROBINSON  
PRIMARY EXAMINER